

Remarks

The specification has been amended to add inadvertently omitted sequence identification numbers and to rectify a typographical error in the Brief Description of the Sequences. Specifically, line 18 at page 14 has been amended to indicate that SEQ ID NO.: 1 is D/E FPPPPXDDE and not D/E FPPPPXD/E. Support for this amendment can be found at page 5, line 32, of the application as filed.

Claims 1-17, 25, 26, 28, 37, 45, 52, 56, 59, 65, 71, 75, 76, 82 and 83 were previously pending in this application. By this amendment, Applicant is amending claim 25. Claims 1-17, 26, 28, 37, 45, 52, 56, 59, 65, 71, 75, 76, 82 and 83 have been withdrawn by the Examiner as the result of a Restriction Requirement. New claims 85-90 have been added. As a result, claims 25 and 85-90 are pending for examination with claim 25 being an independent claim. No new matter has been added.

Rejections Under 35 U.S.C. §112

Claim 25 was rejected under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential steps and as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 25 has been amended, in part, by removing "therapeutic" from the preamble. Applicants believe that this clarifies that the claim is directed to the identification of Ena/VASP activators or inhibitors.

The Office Action also stated that claim 25 is vague and indefinite because the metes and bounds of what is considered to be putative ENA/VASP activators or inhibitors is unclear. Applicants agree that the term "putative ENA/VASP activators or inhibitors" may encompass any compound but disagree that the term is vague. There is nothing vague or indefinite about selecting putative activators or inhibitors from the pool of all compounds. As explained below, there are other elements in the claim that serve to distinguish over prior art assays. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. §103

The Examiner rejected claim 25 under 35 U.S.C. §103(a) as being unpatentable over Gertler et al., PCT Publication WO 98/01755 (Gertler), in view of Clark et al., U.S. Patent No. 5,935,850 (Clark).

As stated in the Office Action, Gertler teaches that Mena and Evl proteins are involved in cell migration. However, Gertler also teaches that where it is desirable to promote cell migration, it is useful to employ agents that induce or enhance Mena or Evl expression or activity. Gertler also teaches that inhibitors that block or impair Mena or Evl by binding to the protein may be useful in reducing cancerous cell migration. See Gertler at page 8, line 27 through page 9, line 9.

Clark discloses a model for cell migration using a first extracellular matrix containing a cell and a second extracellular matrix that is in physical contact with the first extracellular matrix. The model may be used for screening extracellular matrices for their effect on cell migration. See Clark at Abstract.

Claim 25 recites, in part, identifying a putative Ena/VASP activator or inhibitor as an Ena/VASP activator when the mammalian cell has a decreased rate of migration. Gertler, however, teaches that Mena and Evl activators result in increased cell migration. Thus, Gertler teaches directly away from the claimed invention and fails to teach or suggest identifying a putative Ena/VASP activator or inhibitor as an Ena/VASP activator where the mammalian cell has a decreased rate of migration, as claimed. Clark fails to cure this deficiency. Thus, without acceding to the correctness of the proposed combination, if such a combination were made, the claimed invention could not result. Withdrawal of the rejection is respectfully requested.

As new claims 85-90 depend directly from claim 25, they are patentable over the proposed combination of Gertler and Clark for at least the above mentioned reasons.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time.

If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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